

REMARKS

In the Office Action dated December 22, 2003, claims 6-7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,444,713 to Backaus, et al. ("Backaus"). Claims 8-9, 12-13, 14-15, and 16-18 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Backaus in view of U.S. Patent No. 6,452,925 to Sistanizadeh, et al. ("Sistanizadeh").

The Backaus reference, entitled "Telephone Information Service System Using Digital and Out-of-Band Signaling," is directed to a high-speed information service system that sets up a second "out-of-band" signaling connection between an information service provider and an individual information source, separate from a first channel that carries call setup and the information request. (Backaus, Abstract) With reference to Figure 1 in Backaus, calls switched between a subscriber's telephone station 100 and an interexchange carrier (IXC) 104 are transmitted via conventional telephone circuits. (Backaus, 2: 24-26) As described in the specification, in response to a request for information, "information service calls from IXC switched network 104 are transmitted to switch 108, which routes the call from the subscriber to VRU 110 over an ISDN B-channel 109." (Backaus, 4: 14-18) Once this occurs:

The second call is placed over PRI-ISDN D-channel circuits 111 using, for ISDN Call Control Protocol Q.931. At the same time, switch 108 bridges the subscriber directly to IP unit 118 via an ISDN B-channel 113 to facilitate high-speed data transfer. (VRU 110 may remain bridged to the subscriber via the B-channel or may drop from the connection, leaving the subscriber and IP unit 118 connected via the B-channel.) IP unit 118 then 'plays' the information thus identified to the subscriber via the B-channel. After the information has been delivered to the subscriber, IP unit 118 sends a message to VRU 110 indicating that transmission is

complete, so that VRU 110 can tear down the connection with IP unit 118 (while maintaining the B-channel connection between VRU 110 and the subscriber).

(Backaus, 4: 60 – 5: 7) Accordingly, Backaus teaches that all connections between the subscriber and the information retrieval system occur over the B-channel.

Claim 6 recites a method that includes steps of (i) setting up a signaling connection between a subscriber ... and a service access system and (ii) intermittently setting up a payload connection between the service access system and the subscriber. This is distinct from Backaus, in which all transmission to and from the subscriber, of control signaling information and data payload, occurs over a single channel. More specifically, in Backaus, the second channel is used only internally to the information retrieval system.

Similarly in this regard, claims 10 and 11 each recites steps for “initiating”/ “maintaining” two separate connections between the subscriber and service provider. Once again, Backaus is not directed to a system for maintaining two connections with the subscriber.

Accordingly, Applicants submit that independent claims 6, 10 and 11 are not anticipated by Backaus and are patentably distinct therefrom. Claims 7-9 and 12-18 also are submitted to allowable, at least based upon their dependency from allowable claims.

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In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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